

REMARKS

Claims 1-3, 5-17, 19-22, 24-34, 36-41, 43-46, 48-55, 57 and 59-66 are pending in the application. By this paper, claims 1, 20, 22, 28, 32, 48 and 55 have been amended. Reconsideration and allowance of claims 1-3, 5-17, 19-22, 24-34, 36-41, 43-46, 48-55, 57 and 59-66 are respectfully requested.

Allowable Subject Matter

The examiner has indicated that claims 1-3, 5-17, 19-22, 24-34, 36-41, 43-46, 48-55, 57 and 59-66 are allowable over the prior art of record. Accordingly, only rejections based on the claimed subject matter remain at issue.

Subject Matter Rejection

Claims 1-3, 5-17, 19-22, 24-34, 36-46, 48-55, 57 and 59-66 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. According to the examiner, the claimed invention is directed to a method and apparatus for distribution of financial instruments. The office action asserts that, after determining financial parameter data, nothing is done, so that the claims "do not produce any real world application and also are devoid of a useful, concrete and tangible result."

By this paper, independent claims 1, 20, 32, and 55 have been amended to better recite patentable subject matter in accordance with 35 U.S.C. § 101. Consider claim 1. By amendment, acts of "receiving marketing data..." have been added. Further, acts of "generating a regulatory filing..." and "submitting the regulatory filing..." have been added. Accordingly, as amended, claim 1 recites a physical transformation of data. Data is received from different sources and used for modeling initial financial parameter data. That initial financial parameter data in turn is used as a basis for final parameter data. Still further, the method includes generating a regulatory filing which is consistent with that parameter data and submitting the regulatory filing to a securities regulation system.

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Thus, data and information have been transformed by the claimed method. A physical transformation has occurred in that a regulator filing has been submitted to the securities regulation system using data and other information which were inputs to the system. Thus, a different thing has been produced by virtue of the transformation produced by the method of claim 1.

Moreover, claim 1 is directed to a "useful, concrete and tangible result." For example, a regulatory filing is generated by the method of claim 1. Further, that regulatory filing is submitted to the securities regulation system. Such a filing, for example, a data file which is conveyed over the communications network, is specific, substantial and credible and therefore "useful" in the context of section 101. It is a result that is reproducible or certain, so that it is "concrete." Finally, the result is "tangible" in that it is something generated and then conveyed to the securities regulation system—a "real world" result, not an abstraction.

Accordingly, it is submitted that claim 1 as amended clearly defines patentable subject matter. Similar amendments have been made to independent claims 20, 32 and 55 so that they recite similar features. These claims are allowable for the same reasons. The remaining claims are dependent on one of claims 1, 20, 32 and 55 and are allowable for the same reasons. Therefore, withdrawal of the rejection under 35 U.S.C. § 101 of the pending claims is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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